IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1176 OF 2007
IN
CRIMINAL APPEAL NO.1078 OF 2007

Shankar Pandurang Pawar & ors..... Applicant

versus

State of Maharashtra ..... Respondent.

Shri Sandesh D.Patil for the applicant
Shri D.R.More APP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 29TH NOVEMBER, 2007

P.C.;

1. This is an application for grant of bail by three accused who are convicted for an offence under section 326 read with 34 of IPC and sentenced to suffer R.I. for five years and to pay a fine of Rs.10,000/- in default to suffer further R.I. for one year. For offence under section 323 read with 34 of IPC, the applicants are convicted and sentenced to suffer R.I. for six months and to pay a fine of Rs.1000/- in default to suffer further R.I. for three months. The substantive sentences are to run concurrently. The applicant no.1 is the husband of applicant no. 2 whereas the applicant no.3 is their son by name Sakhoji Shankar Pawar. The applicants are accused of causing grievous hurt to real brother of Shankar whose

one eye has been impaired on account of injury sustained. The applicant no.1 is said to have attacked the victim by an axe whereas applicant no.2 has allegedly used a stick. In the scuffle applicant no.3 is accused of hitting stone. The injury sustained by the victim is attributable to the applicant no.1 and the applicants were on bail during trial and not misused the same.

2. The learned counsel does not press the bail application to the extent it relates to applicant no.1, however pressed the same for applicant nos.2 and 3. Perused the judgment. Having regard to the fact that the applicant no.2 is a woman of about 45 years and applicant no.3 is the son of the applicant nos.1 and 2, I direct that the applicant no.2 and applicant no.3 be released on bail on the same terms and conditions of which they were on bail during trial on executing fresh bail bonds, subject to further condition that the applicant no.3 deposits the fine amount of Rs.11,000/- within 15 days from today. Liberty to file application for bail for applicant no.1 after six months.

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